

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,) CR. NO. 04-00053 DAE
)
Plaintiff,)
) DECLARATION OF JACK
vs.) SCHWEIGERT, ESQ.
)
SILVER JOSE GALINDO,)
)
<u>Defendant.</u>)

DECLARATION OF JACK SCHWEIGERT, ESQ.

I, Jack Schweigert, declare as follows:

1. I am at present the Defendant's court appointed counsel.
2. In that capacity, I did submit to the Court on August 23, 2007 a Motion for Authorization to Hire Kevin M. Connors, Ph.D to examine my client Silver Jose Galindo at the Federal Detention Center, generate a report on his findings, and testify. This motion was denied.
3. Notwithstanding, on Thursday night, October 25, 2007, I received an Order from the Court AMENDING my client's request to have Dr. Connors examine him. I immediately called Dr. Connors to see what his schedule would be for examining Mr. Galindo and was informed that because of prior patient commitments the earliest he could examine Mr. Galindo would be Friday, November 9, 2007. Dr. Connors said he will save that date for a short period of time for my client.

4. It will not be until Dr. Connors can complete his examination of Mr. Galindo before he can generate a report describing his opinions, the basis and reasons for those opinions, as well as his qualifications, and that it would take another week to write up his report. Therefore, the earliest Dr. Connors would be prepared to testify would be sometime after November 16th, giving me some time to go over his report for purposes of presenting his testimony.

5. The Defendant has also gotten the approval by the Court authorizing the hire of Wilson T. Sullivan, III, who will be Defendant's forensic expert. I conferred with Mr. Sullivan on October 11, 2007, and although it was anticipated he could generate his report within a week, as of this writing his report has not been provided to me. I have a call into Mr. Sullivan's office, but as of this writing he has not responded.

6. I believe the opinions from both of these experts are critical to providing an adequate defense to Mr. Galindo and without them Mr. Galindo would be denied the effective assistance of counsel.

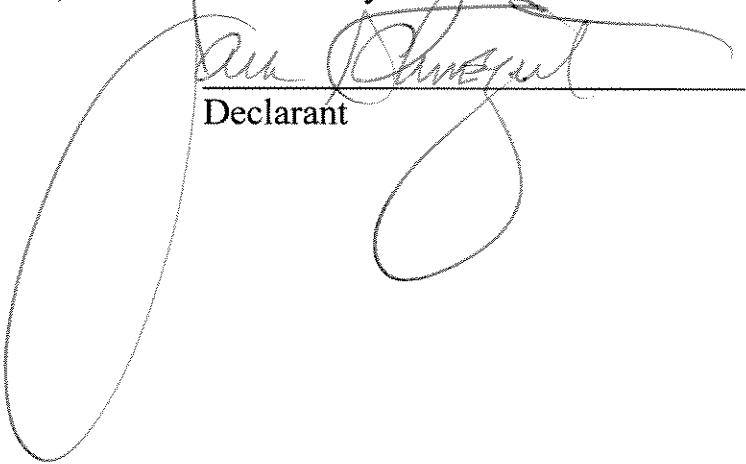
7. On Sunday, October 28, 2007, I went to the Federal Detention Center and discussed this matter with my client, and he consents to a continuance of 30 days, along with waiver of speedy trial under both the Federal Speedy Trial Act 81 U.S.C. 3161 as well as the 6th and 14th Amendments to the U.S. Constitution.

8. The Assistant U.S. Attorney in this case has requested both reports of Dr. Connor and Mr. Sullivan, but nonetheless objects to this continuance.

9. I certify that based on the foregoing facts the pending motion for a 28 day continuance is made in good faith and not for purposes of needless delay.

I declare under penalty of perjury that the foregoing statements are true and correct.

Executed in Honolulu, Hawaii this 29th day of October 2007.



Declarant